

**Remarks**

As mentioned in the Response filed November 8, 2007, Applicants were having difficulty locating one of the two co-inventors and therefore enclosed only one signed affidavit. Applicants stated they will forward the second signed affidavit when it becomes available. Therefore, enclosed is the affidavit of the second co-inventor that was recently received. In view of the enclosed affidavit filed under 37 CFR 1.131 and its attachment, the date of the invention of the present application is fully supported as being before the publication date of WO Prohaska and, therefore, WO Prohaska is not prior art to the present application.

Because WO Prohaska is no longer prior art, and because none of the remaining references are relied upon by the Examiner for teaching or suggesting the step of providing a substrate, providing an opening in the substrate, placing an electrode proximate to the opening, contacting a membrane to the substrate and electrode, a hole in the membrane, and aligning the hole with the opening for defining a gas passage, the rejections under 35 USC §103 should be withdrawn.

Respectfully submitted,

/ Wesley W. Whitmyer, Jr./

November 26, 2007

---

Wesley W. Whitmyer, Jr., Registration No. 33,558  
David Chen, Registration No. 46,613  
Attorneys for Applicants  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
Tel. 203 324-6155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	Otto J. Prohaska, <i>et al.</i>
Application No. 10/029,659	Filing Date: October 22, 2001
Title of Application:	Electrochemical Sensor With Dry Ionomer Membrane
Confirmation No. 4969	Art Unit: 1753
Examiner	

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450


**Declaration of Inventors of Prior Invention Under 37 CFR §1.131**

I, Otto J. Prohaska, declare as follows:

1. I am an inventor named in the above application.
2. I, along with co-inventor Avinash Dalmia, conceived of the invention described and claimed in the above application at least as early as March 2000, including the subject matter of all pending claims in U.S. Patent Application No. 10/029,659.
3. Attached hereto is a copy of our June 22, 2000 invention disclosure which specifies the date of conception as being March 2000.
4. I diligently worked on developing and perfecting our invention from March 2000 until the invention was reduced to practice.
5. I constructively reduced my invention to practice no later than October 22, 2001 upon the filing of patent application serial number 09/515,724.
6. All statements in this Declaration made of my own knowledge are true and all statements made on information and beliefs are believed to be true.
7. I understand that willful false statements and the like are punishable by fine or imprisonment or both and may jeopardize the validity of the application or any patent issuing thereon.

I hereby declare, under penalty of perjury under the laws of the United States of America, that the foregoing statements are true and correct.

October 31, 2007

  
\_\_\_\_\_  
Otto J. Prohaska